HONOURABLE SRI JUSTICE J.CHELAMESWAR
And
HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, TWENTIETH DAY OF JUNE TWO THOUSAND SIX

WRIT PETITION No.12052 of 2006

Between:

M/s.Manish Plywood Centre, Goshamahal,
Hyderabad .. Petitioner

And

1. The Additional Commissioner of Commercial Taxes (Legal), Nampally, Hyderabad and Two others.

.. Respondents

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ORDER: (Per Hon'ble Sri JC, J)**:**

Aggrieved by the decision of the 1st respondent-Additional Commissioner of Commercial Taxes (Legal), Hyderabad, dated 26-05-2006, rejecting the stay application of the petitioner, pending the appeal before the 2nd respondent-Appellate Deputy Commissioner of Commercial Taxes, Hyderabad, the present writ petition is filed with a prayer as follows:-

> "To declare the action of the 1st respondent in passing the proceedings dated 26-05-2006 in CCTs Ref.No.LIII(2)/393/06 rejecting the stay petition filed by the petitioner on 15-05-2006 in terms of Section 19 (2C) of the APGST Act, 1957 (for brevity 'the Act') as illegal, arbitrary and contrary to the Judgment of the Sales Tax Appellate Tribunal in T.A.No.460 of 1978 and also the Judgment of this Court in 74 STAC 87 and consequently direct the 3rd respondent not to take any coercive steps pending disposal of the appeal."

2. The dispute in the appeal is regarding the rate of tax applicable to one of the items traded by the petitioner. The petitioner's case is that the particular item is taxable at 4% whereas the respondents took stand as it is taxable at 12%.

3. It is submitted by the learned counsel for the petitioner that the admitted tax is already paid.

4. Heard the learned Advocate General appearing for the respondents.

5. In the circumstances, we deem it appropriate to dispose of the writ petition at the admission stage, directing the respondents shall not initiate proceedings for recovery of tax

pursuant to the assessment order dated 06-12-2005 relating to the year 2003-04, on condition that the petitioner shall deposit an amount of Rs.50,000/- (Rupees fifty thousand only), within a period of six weeks from today.

6. Accordingly, the Writ Petition is disposed of with the aforementioned direction. No costs.

(J.CHELAMESWAR,J)

(D.APPARAO, J)

June 20, 2006.
Kvr